

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

PHILLIP DARIUS CRAYTON,)	Civil Action No. 7:12-cv-00291
Plaintiff,)	
)	<u>MEMORANDUM OPINION</u>
v.)	
)	By: Michael F. Urbanski
C/O ROBERT SYKES, <u>et al.</u>,)	United States District Judge
Defendants.)	

Phillip Darius Crayton, a Virginia inmate proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By Order entered August 2, 2012, the court directed plaintiff to submit within fifteen days from the date of the Order an inmate account form and a certified copy of plaintiff's trust fund account statement for the six-month period between December 2011 and May 2012. The Order advised plaintiff that a failure to comply would result in dismissal of this action without prejudice.

Plaintiff filed a letter in response to the Order, complaining about the conditions of his confinement and that, although he requested the financial documents from his prison's business office, he had not yet received the forms. The court construed the letter as a motion for an extension of time and granted plaintiff fifteen more days to comply with the August 2, 2012, Order.

More than fifteen days have elapsed, and plaintiff has failed to comply with the August 2, 2012, Order because he failed to return the certified financial forms required to document his application to proceed in forma pauperis. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to pay the \$350 filing fee or comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

Entered: October 1, 2012

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge